GREGORY G. KATSAS
Assistant Attorney General
KAREN P. HEWITT
United States Attorney
TOM STAHL
Assistant United States Attorney
Chief, Civil Division
STEVEN J. RIEGEL
Senior Aviation Counsel
STEPHEN M. KETYER
Trial Attorney
Aviation/Admiralty Litigation
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 14271
Washington, DC 20044-4271
(202) 616-4034
(202) 616-4159 (Fax)
Attorneys for Defendant United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

OLD REPUBLIC INSURANCE COMPANY, a corporation, Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.	Case No. 08-CV-223 UNITED STATES' EX PARTE MOTION FOR RELIEF FROM SETTLEMENT DISPOSITION CONFERENCE

Defendant United States of America ("United States"), by its undersigned attorney, files this ex parte motion for relief from the settlement disposition conference, scheduled for August 26, 2008, at 9:00 a.m., in Courtroom A. This ex parte motion is made with the knowledge and consent of counsel for Plaintiff Old Republic Insurance Company. In support of this motion, the undersigned counsel attaches a declaration regarding the settlement status of the above-captioned matter.

CURRENT STATUS OF SETTLEMENT AGREEMENT

The above-captioned case is settled. On August 15, 2008, Peter F. Frost, Director, Torts Branch, Civil Division, Department of Justice, formally approved the proposed settlement between the parties, with the concurrence of the Federal Aviation Administration, the client agency. At approximately the same time, the parties executed and exchanged settlement and release documents. On August 19, 2008, our office forwarded the settlement papers to the Treasury Department for payment. This was the last act necessary by the Justice Department to finalize settlement. We anticipate that the Treasury Department will make payment to Plaintiff's counsel within 60 days.

Subject to final payment, there are no other unsettled issues remaining between the parties. Undersigned counsel is aware that the Court should have been notified of the settlement, particularly in light of the Court's Order of June 25, 2008, and offers no excuses for missing the deadline, but instead apologizes to this Honorable Court.

For the foregoing reasons, the undersigned counsel for the United States respectfully requests that the conference set for tomorrow be canceled and the matter held open for an additional 60 days to permit the Treasury Department to pay the settlement proceeds.

DATED: August 25, 2008

GREGORY G. KATSAS
Assistant Attorney General

KAREN P. HEWITT
United States Attorney

TOM STAHL
Assistant United States Attorney
Chief, Civil Division

/s/ Stephen M. Ketyer
____
STEPHEN M. KETYER
Trial Attorney
Aviation/Admiralty Litigation
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 14271
Washington, DC 20044-4271
stephen.ketyer@usdoj.gov
(202) 616-4034 voice
(202) 616-4159 fax

Attorney for Defendant United States of America

OF COUNSEL:

R. BROOKE LEWIS
Senior Attorney
Office of the Chief Counsel
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
brooke.lewis@faa.gov
(202) 385-8221 voice
(202) 493-5020 fax

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 2008, a true and correct copy of the Defendant's Ex Parte Application for Relief from Settlement Disposition Conference, was filed electronically and will be served via Notice of Electronic Filing under the Court's CM/ECF system to the following counsel of record:

Garry L. Montanari, Esq.
Michaelis, Montanari & Johnson, P.C.
4333 Park Terrace Dr., Ste. 110
Westlake Village, CA 91361
gmontanari@mmjlaw.net
Counsel for Plaintiff Old Republic Ins. Co.

/s/ Stephen M. Ketyer
____
STEPHEN M. KETYER
Employee
U.S. Department of Justice